IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.8459 OF 2004

Amol Vijay Kale ... Petitioner

V/s.

Commanding Officer
Basic Training Regiment & Ors. ... Respondents

Mr.Rajiv Patil with Dushyant purekar for Petitioner
Mr.S.S. Pakale for Respondent No.3

CORAM: **V.G. PALSHIKAR &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 1, 2005**

P.C.:

. By this Petition, the Petitioner has questioned the order of discharge discharging the Petitioner from services in Indian Forces. The reason given is the Petitioner having suffered the injury during the course of training was under treatment for several days and thereafter according to the competent authority he was unlikely to become an efficient soldier and therefore, he was discharged.

2. It is true that the medical authorities of the Forces have themselves declared him fit for training. Considering that certificate declaring him fit for training, which aspect was looked into by the Commandant, Air Defence Artillery Center, Nasik and on

consideration of the material, he found that he should sanction the discharge of the Petitioner as he is unlikely to become an efficient soldier though he is fit to undergo training to become a soldier. Taking into consideration this factual aspect, we see no reason to interfere under Article 226 of the Constitution of India in the matter of recruitment of soldiers in the Indian Army. Hence, petition is dismissed.